IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6076 OF 2005

Shri.Premchandra Vanshbahadur Tiwari
and Ors. ...Applicants
Vs.
The State of Maharashtra ...Respondent

Shri. S.C. Singh for the Applicants.
Ms M. H. Mhatre, A.P.P. for the Respondent.

CORAM : A.S.OKA, J.
DATED : SEPTEMBER 20, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicants and the learned A.P.P. for the State. The learned Counsel for the Applicants pointed out that the main accused in the case has been granted Anticipatory Bail under the orders of the Sessions Court dated 13th September, 2005. He pointed out that the allegation made in the F.I.R. against the main accused is that the said accused Virbhadra assaulted the first informant by using a chain and by hand. The allegation against the present Applicants is that they assaulted the first informant by hands and abused the first informant. He therefore, submitted that the Applicants are entitled to relief on the ground of parity.

2. The learned A.P.P. did not dispute that the co-accused has been granted Anticipatory Bail. The learned A.P.P. has, however, opposed this Application.

3. I have considered the submissions. On plain reading of the F.I.R., the role ascribed to the accused Virbhadra is as regards assault on the first informant by a chain. The role ascribed to the Applicants is that they assaulted the first informant by hand. If the accused Virbhadra is granted Anticipatory Bail, there is no reason to deny bail to the Applicants, especially, when no circumstance is pointed out which makes the case of the Applicants different.

4. Hence, I pass the following order

: O R D E R :

i) In the event of the arrest of the Applicant in connection with C.R. NO.237 of 2005 registered with L.T. Marg Police Station, the Applicants shall be enlarged on bail subject to furnishing P.R. Bond in the sum of Rs.15,000/- each with a surety or Bank gaurantee or cash in the like amount.

ii) The Bail is granted subject to condition that the Applicants will attend the concerned Police Station on every Monday and Thursday between 04.00 p.m. to 06.00 p.m. for a period of one month from today and will co-operate with the Investigating

Officer for the purposes of investigation.

iii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The Applicants shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the Applicants only till the chargesheet is filed. Thereafter, he will be free to apply to the appropriate authority for appropriate relief.

vi) Application is disposed of in the above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE